

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

ClickQuick II, LLC, San Marino at Laguna
Lakes, L.L.C. a/k/a Bear Lakes Associates,
Ltd., and Villa Del Sol, L.L.C. a/k/a
VCS Associates, Ltd. (Petitioners)

WC Docket No. 03-112

ORDER

Adopted: January 23, 2004**Released: January 23, 2004**

By the Chief, Competition Policy Division:

1. On May 2, 2003, ClickQuick II, LLC (ClickQuick II), San Marino at Laguna Lakes, L.L.C. a/k/a Bear Lakes Associates, Ltd. (San Marino at Laguna Lakes), and Villa Del Sol, L.L.C. a/k/a VDS Associates, Ltd. (Villa Del Sol) (collectively, Petitioners) filed a petition for declaratory ruling that the location of the demarcation point pursuant to 47 C.F.R. § 68.105(d)(2) preempts the location of the demarcation point pursuant to § 25-4.0345(1)(B)(2) of the Florida Administrative Code.¹ Specifically, the Petitioners requested the Commission to declare that: (A) San Marino at Laguna Lakes and Villa Del Sol have the right to set the demarcation point at 6" on the carrier's side of the 66 block at the properties they own pursuant to 47 C.F.R. § 68.105(d)(2); (B) ClickQuick II has the right to use the facilities on the customer's side of that demarcation point without interference by BellSouth; and (C) Section 25-4.0345(1)(B)(2) of the Florida Administrative Code is preempted to the extent it conflicts with 47 C.F.R. § 68.105(d)(2). On December 16, 2003, the Petitioners filed a letter requesting that their petition and amended petition be withdrawn and the proceeding be terminated.²

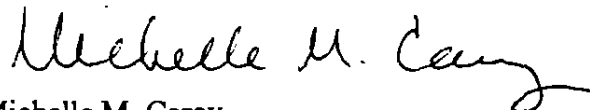
2. Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and 5(c) of the Communications Act of 1934, as amended, and authority delegated under section 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, the motion to withdraw the petitions filed by ClickQuick II, San Marino at Laguna Lakes, L.L.C., and Villa Del Sol on December 16, 2003 IS GRANTED.

¹ The Petitioners filed both their Petition for Declaratory Ruling and their Amended Petition for Declaratory Ruling on May 2, 2003.

² Letter from W. James MacNaughton, counsel for Petitioners, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-112 (filed Dec. 16, 2003).

3. IT IS FURTHER ORDERED that WC Docket No. 03-112 IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, reading "Michelle M. Carey". The signature is fluid and cursive, with a long, sweeping tail on the "y".

Michelle M. Carey
Chief, Competition Policy Division